

REMARKS

Reconsideration and withdrawal of the rejection and the allowance of all claims now pending in the above-identified patent application (i.e., Claims 26-34) are respectfully requested in view of the foregoing amendments and the following remarks.

At the outset, it should again be recalled that the present invention provides a seating system for providing and locating - and readily relocating - seating in large gathering areas, such as in stadiums and auditoriums. Conventionally, seating at such locales has generally consisted of fixing in place a basic, or permanent, seating arrangement which can, of course, be removed and replaced with a great deal of effort, but is not designed, and cannot readily be, rearranged. Other types of seating systems have relied upon movable "plates" upon which individual seats are permanently welded; such plates can move, but the relative location of most individual seats to one another remains fixed.

In contrast to the prior art, the presently claimed invention provides a seating system having a beam with a support, which is connected to an adjacent surface located behind the seat or, as is more common, behind a row of seats. The beam has an upper part for receiving a formation located on the base of the individual seats of the row of seats, which seats include armrests, and a lower part connected to

the support of the beam. The seats are temporarily connected to the beam so that the individual seats are able to be located, and easily relocated, at any point along the beam in an unrestricted manner.

As will be explained in greater detail hereinafter, nowhere in the prior art is such a novel and efficient seating system, particularly for large gatherings, which allows for a ready and convenient rearrangement of individual seating, either disclosed or suggested.

By the present amendment, Applicants have amended independent Claim 26 (and all remaining claims via dependency) to recite that the seats of the claimed seating system includes armrests; the presence of which do not interfere with the means for temporarily "connecting at least one seat to the beam of the seating system or the functioning of the means for enabling the seat(s) to longitudinally move and be locatable at, and relocatable at, any point along the beam. The intent of this amendment to Claim 26 is to clarify the present invention over that disclosed by Sebel Furniture Limited, U.K. Patent Application No. 2,302,504 A, which was cited in the International Search Report of this §371 U.S. National Phase application, and more recently applied by the Australian Patent Office, and would appear to be more relevant than the prior art that has been applied by the U.S. Examiner in the latest Office Action. The claimed seating

system, as now claimed, is significantly distinguishable over the prior art by allowing for a temporary fixation of seats (along with their armrests) in a row relative to one another, which may be easily and conveniently altered along any point of the beam.

More particularly, Sebel Furniture discloses a seating structure that is mounted on a horizontal rail (3), which may be pivotally mounted on the rail, so that it can fold forwardly and backwardly. The seats are clamped (12) and secured by screw means to the rail, as best shown in FIGS. 1 and 2 of Sebel Furniture. In this regard, it is debatable whether the structure in Sebel Furniture can readily be viewed as disclosing a temporary connection of the seating structures along the rail, which might allow for ready longitudinal displacement along the rail, or whether the clamping (12) to rail (3) might, in fact, be intended to be permanent, thereby not allowing for a later longitudinal displacement of the seating. As shown in the embodiment of FIGS. 1 - 5 of Sebel Furniture, the seating therein does not include armrests.

Referring to FIGS. 6 - 8 of this U.K. citation, this embodiment clearly shows how armrests (18, 20) may be provided for the individual seats of the seating structure of FIGS. 1 - 5; the armrests are shown as being separately affixed to the rail (3) on either side of each seat, thereby rendering it impossible to relocate the individual seats

along the rail (3), regardless of whether clamping means (12) might be temporary, without also having to separately remove the individual armrests. Such an arrangement is contrary to that now being claimed by the instant Applicants, in which armrests are provided for the individual seats, which armrests would not interfere with locating, and relocating, the seating of the claimed invention along the supporting beam thereof. Sebel Furniture, of record in the instant application and more recently applied by the Australian Examiner of Applicants' corresponding priority application, is therefore submitted to neither anticipate, nor render obvious, the present invention, as now claimed.

Turning now, in detail, to an analysis of the prior art rejection, in the fourth Office Action the Examiner has rejected independent Claim 26 (and dependent Claims 27 and 31-34) as being obvious over Hoven et al., U.S. Patent No. 3,194,601, taken in view of Hock, U.S. Patent No. 6,095,603. It is the Examiner's contention that Hoven et al. discloses an audience chair including at least one seat having a base and a beam (14) supporting the seat and being connected to a surface behind and adjacent to the seat. The Examiner, however, has acknowledged that Hoven et al. does not teach temporary connection means. The Examiner has, therefore, secondarily-applied Hock, contending that Hock discloses a similar chair device including at least one seat having a base support (20) and a similar beam (10) supporting the seat

(30). The Examiner has directed Applicants' attention to FIGS. 2 - 3 of Hock, on the contention that these drawing figures disclose means for temporarily connecting the seat of Hock to the beam therein, as well as allowing the seat to move longitudinally along the beam. According to the Examiner, FIG. 3 discloses "toggle fasteners," or screws (352) and end bars (351) on a positioning plate (35) for fastening the end bars and the base plate together. The Examiner has, therefore, concluded that it would have been obvious to have modified the audience chair of Hoven et al. by providing it with the connection means disclosed by Hock for providing a stable assembly that allows for easy removal of the chair for purposes of cleaning or relocating.

In reply to the Examiner's obviousness rejection applying Hoven et al., taken in view of Hock, Applicants and the Examiner would appear to be in agreement that the primary reference of Hoven et al. does not teach a means for temporarily connecting the chairs to the supporting beam therein, as claimed by Applicants. Because the primarily-applied citation fails to disclose or suggest a temporary connection, it is suggested by Applicants that Hoven et al. teaches against that which may conceivably be taught by the secondarily-applied reference of Hock, thereby rendering the proposed combination of references inappropriate. See, Carella v. Starlight Archery and Pro Line Co., 804 F.2d 135, 140, 231 USPQ 644, 647 (Fed. Cir. 1986) (fact that teachings found in

the prior art could be combined, as proposed by the Examiner, does not make the combination obvious "absent some teaching, suggestion or incentive supporting the combination"). For this reason, Applicants respectfully submit that the 35 U.S.C. §103(a) obviousness rejection should, appropriately, be withdrawn.

Further, even if one were to consider the proposed combination of references on their merits, it is respectfully contended that Hock, the secondarily-applied citation, does not, in fact, teach or suggest that the extensive and complicated connection of FIG. 3 is to be temporary. On the contrary, the connection of FIG. 3, cited to by the Examiner, is described in the text of Hock (Col. 2, lines 53-67) as requiring bolts (143), nuts (142), a connection plate (23), a base plate (34), four screws (352), end bars (351), and a further screw (363) for fastening the J-shaped lateral rods (33) and the respective hollow block (36) together. FIG. 3 of Hock is described as providing "a perspective exploded view of a chair" (Hock, Col. 1, line 56), to aid in an understanding of the connection therein, and is not intended, by all measures suggested in Hock, to reflect anything but a permanent connection of the chair to its support. Stated differently, Hock fails to disclose or suggest a temporary connection means, as suggested by the Examiner in the fourth Office Action, even if one were to assume that the proposed combination of references was otherwise appropriate.

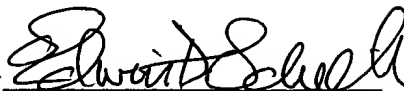
Accordingly, because neither Hoven et al. nor Hock, considered singly or in combination with one another, disclose or suggest the temporary connection means disclosed and claimed by the instant Applicants, it is respectfully contended that the Examiner's 35 U.S.C. §103(a) obviousness rejection of independent Claim 26 (and various dependent claims) has been overcome and should be appropriately withdrawn.

In view of the foregoing, it is respectfully contended that all claims now pending in the above-identified patent application (i.e., Claims 26-34) recite a novel and efficient seating system, particularly for large gatherings, which allows for a ready, temporary and convenient rearrangement of individual seating (having armrests) along any point of its supporting beam, which is patentably distinguishable over the prior art. Accordingly, withdrawal of the outstanding

rejection and the allowance of all claims now pending are respectfully requested and earnestly solicited.

Respectfully submitted,

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- Enc.: 1. "Petition to Revive Abandoned Application under the Provisions of 37 C.F.R. §1.37(b)" on the ground of unintentional abandonment; and,
2. Check for \$665.00 (Petition to Revive Fee).

The Commissioner is hereby authorized to charge the Deposit Account of Applicants' Attorney, Account No. 19-0450, for any additional fees which may be due in connection with the prosecution of the present application, but which have not otherwise been provided for.